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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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CHIEF COMMISSIONER OF STATE TAXES ANDHRA PRADESH :: VIJAYAWADA.

SHOW CAUSE NOTICE

CCST's Ref. No. DXZ(3)/397/2015-1.

Dt: 25.06.2021.

INTEGRATED SENIORITY LIST OF DCTOs OF A.P. STATE FOR THE PANEL YEAR 2003-04 - APPEAL PETITION FILED BY Sri S.U.M. JANADEV, DCTO AND OTHERS AGAINST THE FINALIZED INTEGRATED SENIORITY IN THE CADRE OF DCTO PUBLISHED IN GAZETTE NO.20, Dt: 18.04.2017 - APPEAL ALLOWED - DIRECTED TO REVISE THE SENIORITY LIST PUBLISHED IN GAZETTE NO.20, Dt: 18.04.2017 AND PREPARE FRESH INTEGRATED SENIORITY LIST OF DCTOs FOR THE PANEL YEAR 2003-04 UNDER THE PROVISIONS OF RULE 34 READ WITH RULE 33 (a) OF A.P. STATE AND SUBORDINATE SERVICE RULES - SHOW CAUSE NOTICE - ISSUED - OBJECTIONS CALLED FOR.

- Ref: 1. A.P. Extraordinary Gazette No.163, dated: 15.06.2015.
2. Govt.Memo No.20951/CT.I(1)/2015, dt: 25.04.2016.
3. CCT's Ref.No.DXZ(3)/397/2015, dated: 08.12.2016.
4. CCT's Ref.No.DXZ(3)/397/2015-1, dt: 10.04.2017.
5. Appeal petition of Sri S.U.M. Janadev, DCTO, dt: Nil
6. Appeal Petition of Smt. A. Kalyani and other six DCTOs of Zone-I filed before the Govt. dt: Nil (received on 16.08.2017).
7. Govt. Memo No.34022/105/2017-CT.I, dt: 19.03.2020.
8. Interim orders of the Hon'ble High Court of AP in W.P.No.6225/2021, dt:18.03.2021.

1. In the reference 1st cited, the integrated seniority list of DCTOs was finalized and published for the penal years 1975-76 to 2004-05 in different spells. Aggrieved to the integrated seniority list of DCTOs for the panel year 2003-04, the DCTOs of Zone-I namely, (1) Y.V.Sreeramulu (2) S.Prakash, (3) Anirudh (4) K.Nagaraju (5) G.Ranimohan filed appeal petition before the Government questioning the integrated seniority lists for the panel year 2003-04 finalized by the Commissioner of Commercial Taxes on the ground that they were not given an opportunity to submit their objections before finalizing the lists.
2. Considering the representation, Government have issued a Memo vide reference 2nd cited directing the Chief Commissioner of State Tax, Andhra Pradesh to treat the already finalized integrated seniority lists in Gazette No.163, dt:15.06.2015 as show cause notice and proceed to pass fresh orders by following due procedure of giving an opportunity to the aggrieved DCTOs to present their case before him.
3. As per instructions of the Government vide reference 2nd cited, and as per consent given by the Commissioner of Commercial Taxes, Telangana, it is decided to give an opportunity to affected persons, who were included in the penal year 2003-04 in integrated seniority list of DCTOs for the penal year 2003-04.
4. In the reference 3rd cited the State-wide integrated combined seniority list of DCTOs for the penal year 2003-04 was communicated to the persons of Zone-I covered and requested to file their written statement of objections, if any, within(15) days from the date of issue of this Notice (or) publication of this Notice in the Departmental website, failing which, it will be construed that they have no objections to the proposed combined seniority and that orders will be passed without further notice or time.
5. After examining the objections of the individuals, the integrated seniority list of DCTOs for the panel year 2003-04 was finalized by following due procedure and rejecting the objections raised by the DCTOs of Zone-I vide ref 4th cited and published the lists in Gazette No.20, dt:18.04.2017.
6. In the reference 5th & 6th cited certain DCTOs of Zone-I filed appeals before the Government with a prayer to set aside the integrated seniority lists finalized by the Chief Commissioner of State Tax vide Gazette No.20, dt:18.04.2017 as the same contravene the provisions of Rule 33 (a) of A.P. State and Sub-ordinate Service Rules, 1996 under which the seniority of a person in any cadre shall have to be fixed based on the date of his first appointment to that post. Though the DCTOs have raised certain other objections, their main objection is contravention of Rule 33 (a) by the CCST while preparing the seniority lists.
7. In the reference 7th cited, the Government, while allowing the appeals filed by the DCTOs of Zone-I and directed the Chief Commissioner of State Tax to revise the seniority lists published in Gazette No.20, dt:18.04.2017 and prepare fresh integrated seniority lists of DCTOs for the panel years 2003-04 and 2004-05 strictly following the provisions of Rule 34 read with Rule 33(a) of AP State and Sub-ordinate Service Rules. Further, the Government stated that there are contradiction between the vacancies published in Gazette No. 303, Dt. 30-05-2006 and Gazette No.163, Dt.15-06-2015. These contradictions need to be reconciled. The details are as under:

In Gazette No.303, dt:30.05.2006 and Gazette No.163 dt:15.06.2015, number of DCTOs included from 1975-76 to 2004-05 are as follows:

Panel year	No.of DCTO included							
	Zone-I		Zone-II		Zone-III		Zone-IV	
	Gazette No.303, dt: 30.05.2006	Gazette No.163, dt:15.06.2015	G.No. 303	G.No. 163	G. No. 303	G.No. 163	G. No. 303	G.No. 163
1997-98	3	3	13	13	16	17	15	15
1998-99	6	6	8	8	2	2	5	6
1999-00	5	5	6	6	8	9	6	5
2000-01	5	5	7	7	4	4	4	4
2001-02	2	2	9	9	2	2	3	3
2002-03	3	3	13	13	5	6	4	4
2003-04	8	8	45	40	25	22	13	13
2004-05	11	11	24	20	14	9	37	38
TOTAL	43	43	125	116	76	71	87	88

Remarks:

1. Zone-I: No variation in vacancies.
2. Zone-II: 9 DCTO posts are carry forward to the next panel year as the minimum period of 3 years service is required for qualifying post of DCTO.
3. Zone-III: 5 DCTO posts are carry forward to the next panel year as the minimum period of 3 years service is required for qualifying post of DCTO
4. Zone-IV: One Retired person was included.
5. In view of the above, it is noticed that there is no contradiction between the vacancies published in Gazette No. 303, Dt. 30-05-2006 and Gazette No.163, Dt.15-06-2015.
8. Further aggrieved by the above orders of the Government issued vide reference 7th cited certain individuals filed W.P.No.12632/2020, 12634/2020, 13358/2020, 10393/2020. The Hon'ble High Court of A.P in W.P.Nos.12632/2020, 12634/2020,13358/2020, issued interim orders dt. 11-08-2020 as under:

" Learned Government pleader for Services-I seeks time to file counters. Learned counsel for the petitioners strongly object for time being given and pressed for an interim order on the ground that the impugned memo will affect promotions already made and there is every danger of the petitioners being reverted o account of the impugned memo, which is under challenge in the petition.

In view of the urgency claimed by the learned counsel for the petitioners and the grounds raised in the writ petition, there shall be a direction to the respondents to file their counters by 18.08.2020. Failure to file counters by 18.08.2020 would result in order of status quo protecting the petitioners in their respective cadre and the petitioners would not be reverted on account of any changes due to the revised seniority list."

In the above three (3) W.Ps Nos: 12632/2020, 12634/2020, 13358/2020 counter affidavits were filed dt: 11.12.2020. The counter in W.P.No. 10393/2020 was filed in 18.02.2021. The same are pending before the Hon'ble High Court.

9. In the meantime Smt M.Sunitha Rani, DCTO filed W.P.No. 6225/2021 for implementation of the Government orders issued vide Government Memo.No. 34022/105/2017-CT.I, Dt:19.03.2020. The Hon'ble High Court vide reference 8th cited issued interim orders as under :

"Learned Government Pleader for Services-I seeks time to file Counter Affidavit.
Post matter after three (3) Weeks.

Meanwhile, the 2nd respondent is directed to implement the direction issued by the Government vide Government Memo. No. 34022/105/2017-CT.I, Dt: 19.03.2020, as an interim measure and till completion of exercise in terms of para of the above Memo not to promote any other officers to the next higher cadre i.e. CTO from the cadre of DCTO."

10. In view of the orders of the Government issued vide reference 7th and interim orders of the Hon'ble High Court of A.P. issued vide reference 8th cited, revised the finalized integrated seniority lists of DCTOs (Zone-I to IV) for the panel year 2003-04 under the provisions of Rule 34 read with Rule 33(a) of AP State and Sub-ordinate Service Rules and appended as annexure.

11. The persons covered in the annexure to this Show Cause Notice are directed to file their written objections, if any, on the revised integrated seniority list of DCTOs for the panel year 2003-04 within (10) days from the date of receipt of this Show Cause Notice (or) publication of this Show Cause Notice in the AP Gazette, failing which, it will be construed that they have no objections to the proposed integrated seniority list of DCTOs for the panel year 2003-04 and that orders will be passed without any further notice or time.

12. The proposed State-wide integrated seniority list of DCTOs for the panel year 2003-04 will be subject to the outcome of SLPs / W.Ps mentioned above / O.As/ appeals pending if any, before the Supreme Court of India / High Court / A.P.A.T./ Government.

Encl: ANNEXURE

PEEYUSH KUMAR,
Chief Commissioner (ST).

ANNEXURE
CCST's Ref.No:DXZ(3)/397/2015-1, Dt: 25-06-2021.

**PROPOSED INTEGRATED SENIORITY LIST OF DCTOs OF ZONE-I TO IV FOR THE
PANEL YEAR 2003-04**

S.I.N o	Zone	Name of the Individual	Date of Birth	Date of Appointment	Working/ Retired
1	I	T.V. Prabhakara Rao (SC)	03.08.1951	23.04.2005	Retired
2	I	K. Hari Babu	01.01.1949	23.04.2005	Retired
3	I	L. Bhanu Prasad (SC)	06.06.1963	23.04.2005	
4	III	T. Yella Chandrudu	15.06.1963	23.04.2005	
5	III	M.S. Syam Prasad	01.07.1946	05.05.2000	Retired
6	III	Ch. Subramanyam	05.07.1955	16.09.2000	Expired
7	III	S. Satish Kumar (SC)	01.01.1952	23.04.2005	Retired
8	I	Y.V. Sriramulu	01.03.1966	23.04.2005	
9	IV	K. Varalakshmi	20.06.1966	20.06.2005	
10	IV	M. Sudhakar	01.06.1963	20.06.2005	
11	IV	P. Pullaiah (SC)	15.03.1968	20.06.2005	
12	IV	M. Swarna Latha	07.01.1968	20.06.2005	
13	IV	B. Muralidhar	10.02.1962	20.06.2005	
14	IV	P. Nagendra Prasad	10.10.1960	20.06.2005	
15	IV	R. Chandra Sekharam	15.07.1954	20.06.2005	Retired
16	IV	N. Varalakshmi Devi	10.07.1965	20.06.2005	
17	IV	Ch. Aruna Kumari	05.06.1968	20.06.2005	
18	IV	D. Nagendra Reddy	06.10.1959	20.06.2005	Retired
19	I	S. Prakash	09.03.1967	20.01.2006	
20	I	Y. Aniruddu	03.05.1967	23.04.2005	
21	I	K. Nagaraju	12.06.1968	23.04.2005	
22	I	G. Rani Mohan	01.06.1966	20.01.2006	
23	III	B. Babu Rao (SC)	15.04.1952	06.02.2006	Retired
24	III	K. Atchaiah (SC)	01.04.1954	23.04.2005	Retired
25	III	M. Prasad (ST)	03.07.1954	23.04.2005	Retired
26	III	Y. Srinivasa Rao	15.06.1964	23.04.2005	
27	III	T. Somasundara Prasad	24.10.1965	23.04.2005	
28	III	Y. Lakshmana Prasad	18.08.1961	23.04.2005	

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SI.N o	Zone	Name of the Individual	Date of Birth	Date of Appointment	Working/ Retired
29	III	A.V. Jogaiah	02.10.1954	23.04.2005	Retired
30	III	S.V. Satyanaryana Murthy	15.02.1951	06.02.2006	Retired
31	III	N. Balaramaiah (SC)	16.07.1953	06.02.2006	Retired
32	III	S. Vanajakshi (ST)	01.07.1960	23.04.2005	Retired
33	III	K. Venkataiah (SC)	12.04.1948	23.04.2005	Retired
34	III	Syed Ahmed Ali	06.11.1946	23.08.2004	Retired
35	III	Ch. Omkareswara Rao	07.01.1955	23.04.2005	Retired
36	III	K.V.R. Kumar	23.03.1961	23.04.2005	
37	III	S. Srinivasa Rao	01.06.1965	23.04.2005	
38	III	B. Venkateswarlu	07.09.1951	23.04.2005	Retired
39	III	D. Hanumantha Rao	14.01.1948	23.04.2005	Retired
40	III	V. Adinarayana Rao (SC)	10.06.1948	23.04.2005	Retired
41	IV	B. Ramanjaneya Prasad	06.07.1957	06.02.2006	Retired
42	IV	P. Padmavathi (SC)	03.05.1965	06.02.2006	
43	IV	T. Ramesh Kumar Reddy	25.10.1964	06.02.2006	
44	II	Kumari Jamuna Rani	31.12.1964	13.03.2006	
45	II	M. Vidhyadhara Saradhakumari	15.05.1963	13.03.2006	
46	II	Ch. Usha Rajyalakshmi	01.07.1965	13.03.2006	
47	II	Ch. Rama Krishna Rao	25.12.1944	13.09.2000	Retired
48	II	M. Pamula Reddy	01.07.1944	13.09.2000	Retired
49	II	K. Bala Krishna Rao	12.10.1948	17.09.1997	Retired
50	II	P. Satyanarayana Rao	29.12.1947	30.09.2003	Retired
51	II	S. Santhosham (SC)	09.09.1945	30.09.2003	Retired
52	II	M. Janardhana Rao (SC)	01.01.1947	22.01.2004	Retired
53	II	T.D. Kanakaraju (SC)	10.03.1950	13.03.2006	Retired
54	II	Ch. Venkata Rao (SC)	02.12.1951	13.03.2006	Retired
55	II	M.L. Subhadra (ST)	14.12.1953	13.03.2006	Retired
56	II	G. Sree Rama Rao	09.01.1956	13.03.2006	Retired
57	II	P.M.K. Murthy	04.05.1952	20.06.2005	Retired

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PANEL YEAR 2003-04**

SI.N o	Zone	Name of the Individual	Date of Birth	Date of Appointment	Working/ Retired
58	II	M. Prem Kumar (SC)	27.10.1967	13.03.2006	
59	II	V.S.S.R. Prasad	15.04.1955	13.03.2006	Retired
60	II	S. Satyanarayana	27.03.1947	22.08.2004	Retired
61	II	S. Gopala Rao	15.03.1947	22.08.2004	Retired
62	II	K. Rama Mohan Rao	02.02.1947	22.08.2004	Retired
63	II	M. Govindachari	31.07.1948	13.03.2006	Retired
64	II	S. Seetha Rama Raju	06.01.1951	13.03.2006	Retired
65	II	M.V. Ch. Acharyulu	06.08.1955	13.03.2006	Retired
66	II	S. Devakar	01.08.1958	13.03.2006	Retired
67	II	Ch. Rajakumar	15.12.1947	22.08.2004	Retired
68	II	T. Venkata Rao (SC)	05.10.1951	13.03.2006	Retired
69	II	Ch. Shyam Prasad (SC)	05.09.1952	20.06.2005	Retired
70	II	Y. Rajendra Prasad (SC)	15.06.1947	20.06.2005	Retired
71	II	S. Asheervadham (SC)	15.07.1949	20.06.2005	Retired
72	II	B. Venkata Ratnam (SC)	10.01.1950	20.06.2005	Retired
73	II	K. Malleswari (SC)	15.07.1951	20.06.2005	Retired
74	II	P. Sowdamini (SC)	01.06.1954	20.06.2005	Retired
75	II	K. Shekhara Rao (SC)	01.06.1954	20.06.2005	Retired
76	II	J. Chandrakanthamma (SC)	07.01.1952	13.03.2006	Retired
77	II	M. Krupa Rao (SC)	24.12.1951	13.03.2006	Retired
78	II	P.V. Prasada Rao	12.07.1959	19.08.2006	Retired
79	II	B. Vinod Kumar (SC)	10.08.1965	19.08.2006	
80	II	Ch. Gopala Krishna Murthy	10.08.1949	20.06.2005	Retired
81	II	U. Indira Kumari (SC)	05.09.1958	20.06.2005	Retired
82	II	V.K.S. Sayanna	25.04.1950	20.06.2005	Retired
83	II	M. Simhachalam Naidu	05.06.1954	08.01.2007	Retired

**PEEYUSH KUMAR,
Chief Commissioner (ST).**